

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

**LAURA MELENDREZ**  
*Plaintiff*

**V.**

**ALPHA NURSING  
AND THERAPY, LLC**  
*Defendant*

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**Civil Action No. 5:15-cv-519  
JURY DEMANDED**

**PLAINTIFF’S ORIGINAL COMPLAINT**

Plaintiff LAURA MELENDREZ (“Plaintiff” or “Melendrez”) files this Original Complaint against Defendant ALPHA NURSING AND THERAPY, LLC (“Defendant”) and would show the Court as follows:

**I. PRELIMINARY STATEMENT**

1. This lawsuit seeks damages against Defendant for violations of the Fair Labor Standards Act (“FLSA”) as amended. Melendrez seeks to recover unpaid overtime, statutory liquidated damages, and reasonable attorney’s fees.

**II. PARTIES**

2. Plaintiff LAURA MELENDREZ is an individual residing in San Antonio, Texas. Melendrez was employed by Defendant from approximately January 2013 to May 2015 during which time she performed general office duties for Defendant.

3. Defendant ALPHA NURSING AND THERAPY, LLC is a domestic corporation that can be served by its registered agent, Mario Rodriguez, 2200 North Loop West, Suite 300, Houston, Texas 77018. At all times during Melendrez’s employment, Defendant was an employer of Melendrez as defined by 29 U.S.C. §203(d).

### **III. JURISDICTION AND VENUE**

4. This Court has jurisdiction over the subject matter of this action under § 16(b) of the FLSA, 29 U.S.C. §216(b).

5. Venue is proper pursuant to 28 U.S.C. § 1391 (b) because a substantial part of the events or omissions giving rise to the claim occurred in Bexar County, Texas.

### **IV. FACTUAL ALLEGATIONS**

6. At all times hereinafter mentioned, Defendant has employed persons engaged in commerce as defined within the meaning of 29 U.S.C. §203(b); and/or has been an enterprise engaged in commerce within the meaning of 29 U.S.C. § 203(s)(1)(A).

7. From approximately January 2013 to May 2015, Melendrez performed general office duties for Defendant. During the duration of her employment with Defendant, Defendant paid Melendrez by the hour.

8. Regularly and frequently during her employment with Defendant, Melendrez worked over 40 hours per workweek.

9. From May 2013 to January 2014, Defendant paid Melendrez \$14.00 per hour for all hours worked in a workweek. From January 2014 to the end of her employment, Defendant paid Melendrez \$15.00 per hour for all hours worked in a workweek.

### **CAUSES OF ACTION: FLSA – OVERTIME WAGES**

10. The preceding paragraphs are incorporated by references for all purposes.

11. The overtime wage provisions set forth in the FLSA, 29 U.S.C. §§ 201 *et. seq.*, and the supporting federal regulations, apply to Defendant and protect Melendrez.

12. Defendant failed to pay Melendrez one and one-half times her regular rate of pay for hours that Melendrez worked over 40 hours in a workweek. *See* 29 U.S.C. §207(a).

13. As a result of Defendant's unlawful acts, Melendrez has been deprived of overtime compensation in amounts to be determined at trial, and is entitled to recovery of such amounts, liquidated damages, prejudgment interest, attorneys' fees, costs, and other compensation pursuant to the FLSA.

14. Defendant's unlawful conduct has been willful and intentional. Defendant was aware or should have been aware that the practices described herein are unlawful. Defendant has not made a good faith effort to comply with the FLSA with respect to the compensation of Melendrez.

15. Because Defendant's violations of the FLSA have been willful, a three-year statute of limitations applies, pursuant to 29 U.S.C. § 255.

#### **JURY TRIAL DEMAND**

16. Plaintiff demands a jury trial on all issues so triable.

#### **PRAYER**

17. Melendrez respectfully requests that the Court enter judgment against Defendant for:

- (a) actual damages for unpaid overtime wages under the Fair Labor Standards Act, as amended;
- (b) liquidated damages as provided by the FLSA;
- (c) reasonable attorney's fees under the Fair Labor Standard Act;
- (d) pre-judgment and post-judgment interest as provided by law;
- (e) all costs of court; and
- (f) any other relief to which Melendrez may be entitled, whether in law or equity.

Respectfully submitted,

**THE MORALES FIRM, P.C.**

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***ATTORNEYS FOR PLAINTIFF***